

DBT-002

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## REMARKS

## Claim Rejections - 35 USC §102(b) and §102(b)

1. The Examiner's rejection of Claims 1, 28, 32, 36-37, 40, 41, and 49 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,742,768 to Gennaro et al.

The Applicant respectfully submits that the Gennaro patent does not disclose the banner display means having a menu display means for presenting a menu of navigation options when an end-user clicks on the banner as found in Claim 1 and all other independent and dependent Claims. The Gennaro patent, column 4, lines 31-42, discloses "FIG. 2B shows an embedded menu 46 in displayed web page 40 which has been invoked by positioning of pointer 42 over the upper hot spot 44. In the illustrated example, selection of the upper hot spot 44 is indicated by highlighting that hot spot 44 with a halo, as shown. Embedded menu 46 includes a banner that matches the text ("WHO WE ARE") that was associated with the selected hot spot 44 in FIG. 2A." Clearly, the "embedded menu" in Gennaro is not presented when an end-user clicks on the banner as in the rejected Claims of the present Application but rather when the end-user clicks on one of the hot spots 44. Furthermore, the "banner" in Gennaro clearly is just a heading or title for the "embedded menu". To this extent Applicant proposes that perhaps changing the term "banner" in the Claims of the present application to "banner ad" might clear up and avoid confusion as to the terms of the application and claims.

The Applicant respectfully requests withdrawal of the final rejections in the Office Action mailed January 25, 2005 and reconsideration of all pending Claims and suggested Claim amendment.

  
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